

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 93-1134-LH/LFG
	)	
CIBOLA COUNTY, NEW MEXICO;	)	
CIBOLA COUNTY BOARD OF	)	
COMMISSIONERS; EDWARD	)	
MICHAEL, ANTONIO GALLEGOS,	)	
PATRICK E. SIMPSON, T. WALTER	)	
JARAMILLO, and LLOYD FELIPE,	)	
Members of the Cibola County Board of	)	
Commissioners; and ELISA BRO, Cibola	)	
County Clerk,	)	
	)	
Defendants.	)	
	)	

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JOINT MOTION FOR AND MEMORANDUM IN SUPPORT OF  
ORDER EXTENDING STIPULATION AND ORDER BY 45 DAYS

The United States, Cibola County, New Mexico, and remaining defendants, through their undersigned counsel, respectfully move this Court for an order extending the revised Stipulation and Order previously entered by this Court on March 19, 2007 for 45 days. In support of this motion the parties state the following:

1. The United States filed this action on September 27, 1993, pursuant to Sections 2, 12(d), and 203 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §§ 1973, 1973j(d), and 1973aa-1a, and 28 U.S.C. § 2201, alleging violations of the Voting Rights Act arising from Cibola County's election practices and procedures as they affected Native American citizens of the County, including those Native American citizens who rely in whole or in part on the

Keresan or Navajo language. United States v. Cibola County, et al., Civil Action No. 93-1134-LH/FLG (D.N.M. filed Sept. 27, 1993).

2. On April 21, 1994, this Court entered a Stipulation and Order (“Joint Stipulation”) between the parties instituting the Native American Election Information Program (“NAEIP”) in Cibola County to remedy past non-compliance with the above-mentioned provisions of federal law. The Order was set to expire on March 15, 2004.

3. The County failed to comply substantially with the terms of the NAEIP. Accordingly, this Court approved the parties’ joint motion to extend the Joint Stipulation on April 22, 2004.

4. The County again failed substantially to implement significant provisions of the amended Joint Stipulation. This Court, therefore, approved the parties joint request to extend and amend the Joint Stipulation through the 2008 election cycle. That Joint Stipulation is set to expire on January 15, 2009.

5. Paragraph 9 of the Stipulation requires Cibola County to report all efforts to comply with each provision of its Native American Election Information Program. If the County fails to report on certain required activities and subsequently fails to respond within 30 days to written inquiries from the United States, the County’s noncompliance will be presumed.

6. On December 5 and 16, 2008, the United States received a series of reports from the County related to the County’s performance of activities required by the amended Joint Stipulation. Those reports contained significant omissions. On December 22, 2008, the United States wrote the County to inquire about those omissions. The County has until January 22, 2009 to respond – seven days after the amended Joint Stipulation is set to expire.

7. Accordingly, the parties request a 45-day extension of the Court's March 19, 2007 Stipulation and Order to permit the parties sufficient time to gather and exchange relevant information necessary for determining what additional measures, if any, may be necessary or appropriate.

WHEREFORE, the parties respectfully request that the Court grant the Joint Motion Order Extending Stipulation and Order for 45 days until March 2, 2009.

Respectfully Submitted,

For Plaintiff:

UNITED STATES OF AMERICA

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For Defendants:

CIBOLA COUNTY, et al.

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I hereby certify that on January 12, 2009, I filed the foregoing pleading electronically through the CM/ECF System, which caused the following parties of counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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I hereby certify that on this 13th day of November, 2008, I caused a true copy of the foregoing to be mailed by first class mail, postage prepaid, on the following counsel:

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